

MINUTES OF THE MEETING OF THE CITY COUNCIL

Friends University Casado Center
 President's Dining Room
 Wichita, Kansas, July 27, 2004
 Tuesday, 9:30 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

George Kolb, City Manager; Cathy Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk, present.

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 26, 2004.**

Bids were opened July 23, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Construction of Fire Station #10.

Rainbow Construction Co., Inc. - \$1,418,472.00 (Total base bid with alternates selected)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Replace Furnace & A/C Rockwell Library.

The Waldinger Corp - \$29,500.00 (Group 1 total net bid)

TRANSIT DIVISION: MTA Uniforms.

Industrial Uniform Co., Inc.* – \$13,018.75* (Group 1 total base bid)
 \$ 8,600.00* (Group 2 total base bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

FINANCE DEPARTMENT-IT/IS DIVISION: Nine (9) Servers – E-Cyborg; Exchange; Housing Replacement.

Dell Marketing - \$118,738.74* (Per WSCA Contract #90-00151)

*Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Motion--
 --carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSE

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Adult Entertainment

David A. Cherry Kansas Video Corp 2726 North Amidon
dba Video Adventure

Motion--
--carried

Mayans moved that the license, subject to Staff review and approval, be approved. Motion carried 7 to 0.

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) War Industries Relief Sewer Phase 4, from Harry to Kellogg - west of Rock road at Harry, to east of Rock Road at Kellogg. (468-83487/623324/682326) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$3,500,000.00
- b) 2004 sanitary sewer rehabilitation, Phase D - north of Pawnee, between Meridian and Rock Road. (468-83841/620410/664530) Traffic shall be maintained during construction using flagpersons and barricades. (Districts II, III, VI) - \$210,000.00
- c) Water distribution system to serve Booher Second Addition - south of 55th Street South, west of Seneca. (448-89459/735188/470858) Does not affect existing traffic. (District IV) - \$38,610.00
- d) Hydraulic Drive from the north line of Lot 8, Block 2, to the south line of Lot 2, Block 2 to serve Pine Bay Estates Addition - east of Hydraulic, south of 63rd Street South. (472-83967/765879/490990) Does not affect existing traffic. (District III) - \$169,000.00
- e) Cost of constructing Left Turn Lane at Meridian to serve Harbor Isle 2nd Addition (on Meridian, north of 42nd Street North) (472-83141/765601/490-712) (District VI) – Total Estimated Cost \$30,000.00
- f) Cost of constructing Facade Improvements at 518 E. Douglas (north of Douglas, east of Emporia) (472-83666/766003/491-004) (District I) – Total Estimated Cost \$42,000.00
- g) Cost of constructing Facade Improvements at 200, 220, 250, 300 W. Douglas (north of Douglas, west of Main) (472-83764/766005/491-006) (District I) – Total Estimated Cost \$772,000.00
- h) Cost of Boardwalk to serve properties on Mead, between Douglas and First Street. (472-83250/765641/490-752) (District VI) – Total Estimated Cost \$53,300.00
- i) Cost of constructing Main 13, Part G, Sanitary Sewer #23 to serve two unplatted tracts located east of Hillside, south of 53rd Street North (472-83461/744017/480-705) (District I) – Total Estimated Cost \$33,430.00
- j) Cost of constructing Main 13, Part H, Sanitary Sewer #23 to serve two unplatted tracts located east of Hydraulic, north of 37th Street North (472-83462/744018/480-706) (District I) – Total Estimated Cost \$36,600.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Waterline Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land located in the Northeast corner of Section 5, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Gilbert & Mosley Groundwater Remediation, OCA #148557). No cost to City.
- b) Sanitary Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land located in the Northeast corner of Section 5, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Gilbert & Mosley Groundwater Remediation, OCA #148557). No cost to City.
- c) Drainage and Utility Easement dated June 2, 2004 from Twenty-First Growth Property, L.L.C., and Gary & Eleanor Merritt for tracts of land located in Lots 1 through 7, Block 1, Hawthorne Addition, an Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- d) Utility Easement dated June 3, 2004 from Lighthouse Properties, L.L.C., a Kansas Limited Liability Company for tracts of land located in Lots 1 and 2, Block 1, The Waterfront Second Addition, an addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

Motion--carried Mayans moved that the Deeds and Easements be accepted. Motion carried 7 to 0.

CHAUTAUQUA PETITION TO CONSTRUCT A SIDEWALK ALONG THE EAST SIDE OF CHAUTAUQUA, BETWEEN 14TH AND 15TH STREETS. (DISTRICT I)

Agenda Report No. 04-0772

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will improve pedestrian access to St. Mark's United Methodist Church on the east side of Chautauqua, between 14th and 15th Streets.

The Petition totals \$11,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-384

Resolution of findings of advisability and Resolution authorizing constructing sidewalk on the east side of Chautauqua between 14th and 15th Streets North, 472,84065, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

MY HOUSE ADD. PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM IN MY HOUSE ADDITION, SOUTH OF 55TH STREET SOUTH, WEST OF BROADWAY. (DISTRICT IV)

Agenda Report No. 04-0773

On June 8, 2004, the City Council approved a Petition to construct a water distribution system in My House Addition. It has since been determined that several of the lots in the improvement district have already been assessed for a water distribution system. The developer has submitted a new Petition to reallocate special assessments within the improvement district. The signature on the new Petition represents 100% of the improvement district.

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The project will serve a new residential development located along the south side of 55th Street South, west of Broadway.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-385

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89977 (south of 55th Street South, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CLOSURE OF MURDOCK STREET BRIDGE. (DISTRICT VI)

Agenda Report No. 04-0778

Background: Wildcat Construction Company, Inc. has contracted to accomplish the rehabilitation of the Murdock Street Bridge west of Waco Street. Work is expected to begin Monday, August 2nd and be completed by the end of February 2005. Wildcat Construction Co., Inc. is requesting approval of the closure of the Murdock Bridge during the reconstruction and during the closure traffic will be detoured using Waco, Central and Nims streets.

Wildcat Construction Co., Inc. is responsible for the placement of required construction signs and barricades and notification of area businesses and residents.

There are no financial considerations.

Motion--carried Mayans moved that the partial street closure be approved. Motion carried 7 to 0.

CLAIMS ALLOWED REPORT ON CLAIMS ALLOWED – JUNE 2004:

<u>Name of Claimant</u>	<u>Amount</u>
Davis, Faye	\$31.15
Elliott, Mike	\$133.83
Kansas Gas Service	\$338.30**
Kansas Gas Service	\$198.37**
Turner, Linda (c/o West American Insurance)	\$741.24
Westar Energy	\$862.86

**Settled for lesser amount than claimed.

Motion--carried Mayans moved that the Report be received and filed. Motion carried 7 to 0.

SENIOR EXPENSE EXPENSE FOR SENIOR MANAGEMENT, FOR MONTH OF JUNE 2004.

Motion--carried Mayans moved that the report be received and filed. Motion carried 7 to 0.

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PROPERTY ACQ. ACQUISITION OF LAND. (DISTRICT V)

Agenda Report No. 04-0774

On December 30, 2003, the City Council approved the acquisition of a parcel of land between Tyler and Maize Road south of 31st Street South and authorized staff to negotiate a real estate purchase contract.

The owner has agreed to sell the property per the terms approved on December 30, 2003. The trade parcel will be transferred to the owner subject to all standard use restrictions except the restriction against car lots.

Funding for the acquisition was approved by the December 30, 2003 action, as was a bonding resolution.

Motion--
--carried

Mayans moved that the real estate purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PUBLIC EXIGENCY PUBLIC EXIGENCY PROJECT, STORM SEWER REPAIRS IN THE INTERSECTION OF WATERMAN AND EMPORIA. (DISTRICT I)

Agenda Report No. 04-0775

Street Maintenance crews were repairing a section of street at the intersection of Waterman and Emporia when a void below the pavement was discovered. Since that time part of the intersection and half a block of street to the east on Emporia has been closed to traffic. The cause of the problem is that two sections of 36-inch clay storm sewer pipe have collapsed.

To make the repairs, it will be necessary to replace approximately 50 feet of storm sewer pipe, backfill the void and repair the street. Unless the repairs are made immediately, more of the street could collapse.

Staff received estimates from two contractors. W. B. Carter was the low bidder, with a bid of \$16,000.00. The City Manager approved proceeding with the project as a public exigency on July 13, 2004. Expenditures for the repair will come from funds that have been allocated for the Storm Water Utility 2004 Hot Spot Projects (\$725,000).

City Ordinance 2.64.020, "Public Exigency", allows the City Manager to authorize work to be performed by a contractor without formal bidding.

Motion--
--carried

Mayans moved that the City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

LIBRARY ADA IMP. LIBRARY ADA IMPROVEMENTS. (DISTRICTS II & V)

Agenda Report No. 04-0776

The 2004-2013 CIP includes \$100,000 over the next two years for ADA improvements at Wichita Libraries.

The initial improvements include new ADA compliant wheelchair ramps and sidewalks at entryways to the Westlink (District V) and Rockwell (District II) branch library facilities.

City staff has evaluated the current wheelchair ramps and the sidewalks leading to the entryways of the Westlink and Rockwell Branch Libraries and determined they do not comply with ADA regulations. Initial improvements at the Westlink and Rockwell branch library facilities will include new ADA compliant wheelchair ramps and sidewalks at entryways.

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Funding for the project is provided by the 2004-2013 Capital Improvement Program in the amount of \$100,000.

Motion--
--carried

Mayans moved that the project be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-386

A Resolution finding it necessary to make certain improvements to the ramps and sidewalks at entryways on the Westlink and Rockwell Branch Library Facilities and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

AVALON ADD.

RAILROAD PERMITS FOR WATER DISTRIBUTION SYSTEM TO SERVE AVALON ADDITION, PROJECT NUMBER 448-89914. DISTRICT V)

Agenda Report No. 04-0777

The City Council approved the project to construct a water line in 37th from Tyler to Ridge Road, on February 10, 2004. The water project will cross the K&O Railroad property at 37th Street North.

Permits from the Kansas and Oklahoma Railroad are required due to the alignment of the water line. The permits will go into effect upon countersigning by the railroad. The executed documents will be returned to the City of Wichita.

Motion--
--carried

Mayans moved that the railroad permits be approved and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 20, 2004)

a) Custom Cupboards, Inc. (District IV)

ORDINANCE NO. 46-219

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Custom Cupboards, Inc. so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) ZON2004-24 - generally located southeast of Broadway Avenue and the Interstate Highway-235 Loop, more specifically approximately 300 feet east of Broadway Avenue South of 43rd Street South and on the north side of Santa Fe Avenue. (District III)

ORDINANCE NO. 46-220

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2004-24

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c) ZON2003-59 - east of 135th Street West, south of Maple Street. (District V)

ORDINANCE NO. 46-221

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 2003-59

Recess

Mayans moved that at 12:40 p.m. the City Council recess into Executive Session to consider: Consultation with Legal Counsel on matters privileged in the Attorney-Client relationship relating to: legal advice and contract negotiations and that the Council return from Executive Session at 1:00 p.m. and reconvene in the President's Room in the Casado Center of Friends University.

--carried

Motion carried 7 to 0.

Reconvene

The Council Members reconvened at 1:00 p.m. in the President's Dining Room in the Casado Center of Friends University.

Mayor Mayans

Mayor Mayans announced that no action was taken during the Executive Session.

Motion--carried

Mayans moved to adjourn the Executive Session. Motion carried 7 to 0.

Motion--carried

Mayans moved to adjourn the Regular Meeting. Motion carried 7 to 0.

Adjournment

The City Council meeting adjourned at 1:02 p.m.

RECESS

The Council recessed back into workshop.

Karen Sublett
City Clerk